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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,233	07/02/2003	Russell Bonaventura	LEAP:123US	1232
24041	7590	12/10/2004	EXAMINER	
SIMPSON & SIMPSON, PLLC			NGUYEN, THONG Q	
5555 MAIN STREET			ART UNIT	PAPER NUMBER
WILLIAMSVILLE, NY 14221-5406			2872	

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/604,233	BONAVENTURA, RUSSELL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thong Q Nguyen	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 and 16 is/are rejected.
- 7) Claim(s) 12-15 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/31/03.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings contain seven sheets of figures 1-8 were received on 7/2/2003. These drawings are objected by the Examiner for the following reason(s).
  2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "42" has been used to designate both a flange of a housing of a stage well and a center plate. See specification in sections [0024] and [0026]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

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4. The disclosure is objected to because of the following informalities: Sections [0024] and [0026], the use of the numerical reference "42" is improper because it is used to refer to two different items. In particular, the reference character "42" has been used to designate both a flange of a housing of a stage well and a center plate. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 8-11 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaul (U.S. Patent No. 4,477,157, submitted by applicant).

Gaul discloses a universal revolving stage for a microscope. The microscope as described in columns 2-3 and shown in figures 1-2 comprises a microscope having a vertical stand (1) which is horizontal arm (2) supporting an optical system having an eyepiece (6) and a revolver (7) supporting a plurality of objective lenses. Another horizontal arms extended from the vertical stand is used to support a stage (4) which in turn is used to support a condenser lens (5) and a revolving stage (8). The revolving stage (8) defines an opening which is used to support a housing (10), an inner sleeve (15) rotatable mounted inside the housing and a shelf (18) extending transversely within the inner sleeve. It is also

noted that the housing (10) comprises a flange formed on each side wherein the flange has a hole for receiving a fastener in the form of a screw (29 or 30)

Regarding to the feature that the shelf comprises a center indicator, it is noted that the glass element (19) cemented to the shelf (18) acts as a center indicator with the glass element (22) as stated by Gaul in column 3.

7. Claims 1, 4 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (U.S. Patent No. 4,955,702).

Nakamura discloses a mechanism for adjusting the focus of an optical device.

The mechanism as described in columns 2-3 and shown in figures 2-5 comprises a housing (10) having a helical groove (11), an inner sleeve (6) having a pin (7) formed on the outer surface for engaging and moving along the path defined by the groove (11). It is noted that there is a shelf extending inside the sleeve (11) for supporting a lens (5) as can be seen in figures 3-4. Regarding to the feature related to the so-called "stage well for a microscope" recited in the preamble of the claim, such a feature is not given a patentable weight because all of the features appeared after the term "comprising" do not provide any feature/limitation for the feature thereof "stage well for a microscope".

8. Claims 1-2, 4-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (U.S. Patent No. 4,955,702).

Nakamura discloses a mechanism for adjusting the focus of an optical device.

The mechanism as described in columns 2-3 and shown in figures 2-5 comprises a housing (1) having a vertical groove (9) and a flange extending outwardly, an

inner sleeve (6) having a pin (7) formed on the outer surface for engaging and moving along the path defined by the groove (91). It is noted that there is a shelf extending inside the sleeve (11) for supporting a lens (5) as can be seen in figures 3-4. Regarding to the feature related to the so-called "stage well for a microscope" recited in the preamble of the claim, such a feature is not given a patentable weight because all of the features appeared after the term "comprising" do not provide any feature/limitation for the feature thereof "stage well for a microscope".

***Allowable Subject Matter***

9. Claims 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. The following is a statement of reasons for the indication of allowable subject matter:

The microscope stage assembly as recited in claim 12 is patentable with respect to the cited art, in particular, the U.S. Patent Nos. 2,960,913 and 4,477,157, by the limitations related to the structure of the mechanism for rotating the inner sleeve with respect to the housing. In particular, while the use of a mechanism for rotating a sleeve with respect to a housing supporting the sleeve is known to one skilled in the art as can be seen in the Patent '913; '157 and '558; however, the cited art does not disclose that the mechanism comprises a groove formed

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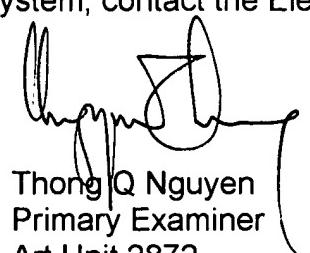
on the wall thereof, a protrusion formed in the inner sleeve for moving along the path defined by the groove formed on the housing as claimed.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references are cited as of interest in that each discloses a mechanism for rotating a component with respect to a housing inside an optical device.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q. Nguyen  
Primary Examiner  
Art Unit 2872